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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,607	02/01/2001	Yoshio Wakui	P20264	3345

7055 7590 06/28/2004

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EXAMINER

SELBY, GEVELL V

ART UNIT	PAPER NUMBER
2615	3

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/774,607

Applicant(s)

WAKUI, YOSHIO

Examiner

Gevell Selby

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 4 is/are rejected.
- 7) ☒ Claim(s) 2 and 5-7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. Figures 16 and 17 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

1. The disclosure is objected to because of the following informalities:
 - a. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Digital Camera with Attitude and Shake Detection".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al., 4,856,882, in view of Parulski, US 5,900,909.**

In regard to claim 1, Oshima et al., 4,856,882, discloses an electronic camera comprising:

an automatic exposure control mechanism (charge discharging means) that is performed in an automatic exposure mode (see column 43, lines 60-63) which at least is comprised of two sub-modes, such as a normal program mode (longer exposure time) and high-shutter-speed priority program mode (shorter exposure time), wherein said high-shutter-speed priority program mode selects higher shutter speed when it is compared with said normal program mode under a same photographing condition (see column 43, lines 63-67);

a camera attitude sensing processor (pitch fluctuation detector 8a) that senses an attitude of said camera from the vertical (see column 34, lines 59-65);

a camera-shake detecting processor (pitch fluctuation detector 8a) that detects a camera-shake in accordance with a stability of said attitude, sensed by said camera attitude sensing processor (see column 34, lines 59-65); and

a selecting control processor that selects said high-shutter-speed priority program mode as said sub-mode, when said attitude, sensed by said camera attitude sensing processor, is unstable and said camera-shake is detected by said camera-shake detecting processor while said automatic exposure mode is performed (see column 43, lines 60-67).

The Oshima reference does not disclose that the electronic camera is a digital camera.

Parulski et al., US 5,900,909, discloses an electronic camera that digitizes the output of the sensor (see figure 2, element 16) using an A/D converter (see figure 2, element 20). The digitized image data is then processed in the processor (see figure 2, element 22) and stored in the memory card (see figure 2, element 24). It is clear that digitizing the image data from an electronic camera makes the data more easily processed and stored.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Oshima et al., 4,856,882, in view of Parulski, US 5,900,909, to have an A/D converter so as to make the camera a digital camera since digitized image data is more easily processed and stored.

In regard to claims 3 and 4, Oshima et al., 4,856,882, in view of Parulski, US 5,900,909, discloses the digital camera of claim 1. It is inherent in the Oshima reference

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that the camera is in normal photographing mode until the shutter speed is automatically changed pursuant to the subject when camera shake is detected and the shutter speed is automatically be changed back to normal speed once blurring movement is no longer detected (see column 43, lines 60-67), since changes in exposure time are only made when fluctuation is occurring, and the amount of change is directly related to the amount of fluctuation.

Allowable Subject Matter

6. Claims 2, 5, 6, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regard to claims 2, 5, 6, and 7, the prior art does not disclose the claimed limitation of the selecting control processor invalidating the attitude information when the attitude of the camera is unstable.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art discloses cameras that detect camera-shake:

US 5,592,251,

US 5,030,984,

US 5,748,995,

US 6,687,458,

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US 6,222,995,

US 5,266,981,

US 5,587,737,

US 5,210,559.

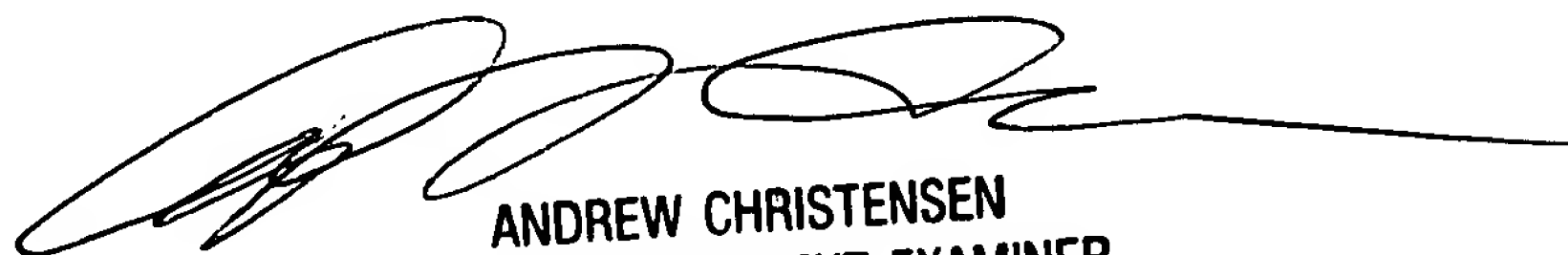
US 5,576,759, discloses a camera that stores orientation information in memory.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 703-305-8623. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc-Yen Vu can be reached on 703-305-4946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs



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